**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.312 OF 1993

Shri Padmakar S/o Dattatraya Wangikar, Associate Dean, Punjabrao Krishi Vidyapeeth, Dist. Akola .. Petitioner.

Vs.

1. The State of Maharashtra through its Secretary, Department of Agriculure, Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi Vidyapeeth, Akola, Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.313 OF 1993

Dr.Tukaram Kokaji Madankar aged about 58 years, Associate Professor, Punjabrao Krishi Vidyapeeth resident of V-30, Narendra Nagar Nagpur - 15 .. Petitioner.

Vs.

1. The State of Maharashtra through its Secretary, Department of Agriculure, Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi Vidyapeeth, Akola, Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.314 OF 1993

Dr.Arvind son of Purushottam Ekbote, aged about 58 years, Resident of "Shri Ashish", Madhav Nagar, Gourakshan Road, Akola .. Petitioner.

Vs.

1. The State of Maharashtra through its Secretary, Department of Agriculure, Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi

Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.315 OF 1993

Dr.Shridhar s/o Sitaram
Ambalkar, aged about 58 years
Professor of Animal Genetics
& Breeding and Associate Dean
Veterinary College, Nagpur
under Punjabrao Krishi
Vidyapeeth, Resident of 79,
Gajanan Nagar, Wardha Road,
Nagpur .. Petitioner.

Vs.

1. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola ..
2. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. .. Respondents.

WITH

WRIT PETITION NO.316 OF 1993

Dr.Prabhakar Gajanan Babrekar
aged about 58 years,
Professor & H.O.D.,
Agricultural Chemistry &
Soil Science, College of
Agriculture, Nagpur
Resident of Nagpur,
Taluka and District Nagpur .. Petitioner.

Vs.

1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.317 OF 1993

Dr.Vasant s/o Yadneshwar Bhagwat
aged about 58 years,
Associate Dean,
College of Agriculture, Nagpur,

Resident of Nagpur,
Taluka and District Nagpur .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.318 OF 1993

Dr.Madhukar s/o Ramji Sardey
Professor of Parasitology
Nagpur Veterinary College,
Resident of Nagpur,
Taluka and District Nagpur .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.319 OF 1993

Dr.Shridhar s/o Baliram
Tingare, Reader/Deputy Regisrar
Directorate of Research,
Punjabrao Krishi Vidyapeeth,
Akola .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.321 OF 1993

Mr.M.K.Pathe,
Reader,

Punjabrao Krishi Vidyapeeth
Akola .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.322 OF 1993

Dr.M.D.Narkkhede
Professor of Surgery
(Veterinary), Nagpur Veterinary
College, Resident of A/5,
Jantar-Mantar Flats,
Amravati Road, Nagpur .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.323 OF 1993

Dr.Rajeshwar s/o Dadaji
Sammanwar, aged about 58 years,
Head of the Dept. of Animal
Husbandary and Dairying,
Akola .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.324 OF 1993

Mr.Gopal Shivaji Dhote

Professor in Chemistry,
College of Agriculture,
Nagpur, Resident of Nagpur
Taluka and District Nagpur .. Petitioner.

Vs.

1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.325 OF 1993

Dr.Basant Sadashiv Thakur
58, Professor, Veterinary
College, Seminary Hills,
Nagpur .. Petitioner.

Vs.

1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.326 OF 1993

Mr.Dinkar s/o Narhari
Dharmadhikari
Associate Professor,
Punjabrao Krishi Vidyapith
Akola .. Petitioner.

Vs.

1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.327 OF 1993

Mr.Prabhakar s/o Baburao

Saigaonkar, aged about 58 yrs,
Reader in Veterinary Extension,
Nagpur Veterinary College,
Seminary Hills,
Nagpur - 6. .. Petitioner.
Vs.
1. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
2. The Punjabrao Krishi
Vidyapeeth, Akola,
Krishinagar, Akola .. Respondents.

WITH

WRIT PETITION NO.328 OF 1993

1. Mr.Vithal Digambar Galgalikar
aged 58 years, r/o 17, Vidya
Nagar, Akola.
2. Mr.Tulsiram Ganpat Mankar
aged 58 years, r/o 288-F,
Kinkhede Layout, Civil Lines,
Nagpur .. Petitioners.
Vs.
1. The Punjabrao Krishi
Vidyapeeth, Akola,
through its Registrar.
2. The State of Maharashtra
through its Secretary,
Department of Agriculure,
Mantralaya, Bombay 400 032. ..
3. University Grants Commission
through its Secretary,
Bahadur Shah Jafar Marg,
New Delhi ..
4. Union of India,
through its Secretary
University of Education and
Social Welfare Department,
Department of Education,
New Delhi ..
5. Indian Council of
Agriculture Research, New
Delhi through its Secretary, ..
6. Maharashtra Council of
Agricultural Education &
Research, through its Chairman
the Minister for Agriculture,
Maharashtra State, Mantralaya,
Bombay - 23. .. Respondents.

None for the petitioners. .
Mr.P.M.Patil A.G.P. for the respondent-State. .

**CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.**
**DATED : MARCH 28, 2006.**

**ORAL JUDGMENT (PER B.H.MARLAPALLE, J.)**

. The Government of Maharashtra by following the recommendations of the Indian Council of Agriculture & Research (for short "ICAR") and the University Grants Commission (for short "UGC") issued the impugned G.R. dated 17th March, 1989 for revision of the pay scales of the academic staff in the Agricultural Universities all over the State. The ICAR had by its letter dated 1st February, 1998 communicated to the Government of Maharashtra that if it adopts the UGC pay scales for the academic staff in the agricultural universities in the State, the Central Government would provide assistance to the State Government to the extent of 80% of the additional expenditure involved in giving effect to revision of the pay scales with effect from 1st January, 1986 till 31st March, 1990 and remaining 20% of the expenditure would be borne by the State Government from its own resources without passing any liabilties to the universities. The State Government, therefore, decided to extend the benefit of the revised UGC pay scales as adopted by ICAR to the academic staff

working in the Agricultural Universities with effect from 1st January, 1986. By the said G.R. dated 17th March, 1989 and while revising the pay scales the date of superannuation for the members of academic staff was continued to be 58 years as was the case earlier. When the petitioners were on the verge of retirement on attaining the age of superannuation i.e. 58 years, notices of retirement came to be issued sometimes in September, 1991 or thereafter informing the petitioners concerned that they would retire on reaching the age of 58 years. While granting Rule, by way of interim orders, all the petitioners were directed to be continued till the age of 60 years. It is thus obvious that as at present almost every petitioner has retired on reaching the age of 60 years about 13 years ago.

2. We, therefore, deemed it appropriate to call upon the State Government to place before us the latest policy decision of the State Government in regard to the age of superannuation of the academic staff in the agricultural universities all over the State. Accordingly, Mr.Patil, learned A.G.P. has placed before us the concerned record and we have noted from the same that the State Government was moved, by following the revised pay

scales and enhanced the age of retirement adopted by the UGC to 60 years from the present age of superannuation at 58 years, to consider the proposal to enhance it to 60 years. The State Government as a matter of policy decision has turned down this proposal to enhance the age of superannuation and the decision of the State Government was communicated to all the agricultural universities on 20th March, 2005.

3. It has also been pointed out that Writ Petition No.4067/04, 4446/04 and 5524/04 came up before the Nagpur bench of this Court by similarly placed academic staff members in the agricultural Universities - the Punjabrao Krishi Vidyapeeth, Akola, and while granting Rule, the Division Bench declined to pass or to continue any order of status quo. Another batch of writ petitions, namely, Writ Petition Nos.5997/04, 6007/04, 6034/04 and 6424/04 also came up before the Principal Bench and the order of status quo granted earlier came to be vacated on 15.10.2004. Writ Petition No.471 of 2005 where the same reliefs were advanced on the basis of provisions of Section 28 Chapter IV of the Maharashtra Agricultural Universities Act, 1983 that the service conditions of all the employees of the agricultural universities are governed and

determined by the Maharashtra Agricultural Universities Statutes, 1990 was filed before this Bench. It was noted that the provisions of the Maharashtra Civil Services Rules (All Parts) are applicable to the employees of the agricultural universities and this Court was pleased to dismiss the said writ petition on 13th June, 2005.

4. We are also informed that the academic staff of the agricultural universities are not governed by any set of separate rules and the provisions of Maharashtra Civil Services Rules have been made applicable to them mutatis mutandis. Undoubtedly the age of superannuation of all the State Government employees governed by the Maharashtra Civil Services Rules is presently fixed at 58 years. If the State Government in its wisdom decides as a matter of policy to continue with the age of retirement at 58 years, notwithstanding the recommendations of the UGC and the ICAR, the said decision cannot be a subject of judicial review unless it is shown to be capricious, arbitrary or in violation of any of the existing service conditions or rules. By the impugned G.R. the State Government decided to continue with the age of superannuation of 58 years rather than enhancing it to 60 years and therefore, we do not find any

substance in the challenge raised to the said policy decision and, hence these petitions must fail.

5. However, by way of the interim orders passed by different benches of this court almost every petitioner continued in service till the age of 60 years and they retired on attaining the age of 60 years. They have been drawing pension for the last more than one decade on the basis that they retired at the age of 60 years. It would not be, therefore, advisable for us to issue any directions to the State Government in this regard while rejecting the petitions and it should be appropriately left to the discretion of the State Government.

6. In the premises, these petitions are hereby dismissed. Rule discharged. No costs.

**(D.B.BHOSALE, J.)** **(B.H.MARLAPALLE, J.)**